or final Order. under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. - Phullis Cole Freedman Legal Owner(s): Contract Purchaser: Phyllis Cole Friedman Dennis Fisher People's Counsel for Baltimore County NORTH (Type or Print Name) Vennis Etush | court Peter Max Zummerman Barbara Fisher Peter Max Zimmerman (Type or Print Name) Address Deputy People's Counsel Rm. 223, Court House Towson, MD 21204 494-2188 6708 River Drive Road I HEREBY CERTIFY that on this 9th day of May, 1984, a copy of the Baltimore, Maryland 21219 foregoing Entry of Appearance was mailed to Mr. and Mrs. Dennis Fisher, 6708 City and State River Drive Road, Baltimore, MD 21219, Petitioners. Name, address and phone number of legal owner, contract purchaser or representative to be contacted Leter Max remneura Peter Max Zimmerman ORDERED By The Zoning Commissioner of Baltimore County, this _____17th_____ day of April 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the ______ 28th _____ day of ____ May _____, 19.84 ___, at 1:30 ____ o'clock BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON MARYLAND 21204
494-3211 NORMAN E. GERBER DIRECTOR BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORL
TOWSON, MARYLAND 21204 Mr. Arnold Jablon 4/26/84 Zoning Commissioner HARRY J. PISTEL, P. E. County Office Building May 4, 1984 Towson, Maryland 21204 Re: Zoning Advisory Meeting of 4/17/84 Property Owner: Dennis Fisher, et ut Mr. Arnold Jablon Zoning Commissioner Location: YELS River Driver County Office Building Towson, Maryland 21204 The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are Ra: Item #260 (1993-1984) Property Owner: Dennis Fisher, et ux N/ES River Drive Rd. 110' N/W from centerline (There are no site planning factors requiring comment.

()A County Review Group Meeting is required. Green Hill Rd. Acres: 50' 8" x 129/137 District: 15th A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.)This site is part of a larger tract; therfore it is defined as a Dear Mr. Jablon: subdivision. The plan must show the entire tract.)A record plat will be required and must be recorded prior The following comments are furnished in regard to the plat submitted to this to issuance of a building permit. office for review by the Zoning Advisory Committee in connection with the subject)The access is not satisfactory. item. The circulation on this site is not satisfactory.)The parking arrangement is not satisfactory.)Parking calculations must be shown on the plan.)This property contains soils which are defined as wetlands, and development on these soils is prohibited. Baltimore County highway and utility improvements are not directly involved.)Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development River Drive Road, an existing public road, is proposed to be further Development of this site may constitute a potential conflict with improved in the future as a 30-foot closed section roadway on a minimum 40-foot the Baltimore County Master Plan. right-of-way. ()The amended Development Plan was approved by the Planning Board)Landscaping should be provided on this site and shown on the plan.)The property is located in a deficient service area as defined by Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings down-Bill 178-79. No building permit may be issued until a Reserve stream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.)The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change The Petitioner must provide necessary drainage facilities (temporary or traffic capacity may become more limited. The Basic Services Areas

PETITION FOR ZONING VARIANCE 84-330-A

The undersigned, legal owner(s) of the property situe* in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 400.1 to permit an accessory building (garage)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

wind protection.

Property is to be posted and advertised as prescribed by Zoning Regulations.

1. Garage under construction, permits personnel told us that

the water was the front.
2. If garage was built on the water side access would be

3. Large tree would have to be removed on the water side

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this

permanent) to prevent creating any nuisances or damages to adjacent properties,

especially by the concentration of surface waters. Correction of any problem

which may result, due to improper grading or improper installation of drainage

is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including

Very truly yours,

Bureau of Public Services

The property to be developed is located adjacent to tidewater. The Petitioner

facilities, would be the full responsibility of the Petitioner.

19 & 20 SE 32 Pos. Sheets

basements) of residential and commercial developments.

111 Tax Map

RAM: EAM: FWR: SS

petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

if garage was located there. The roots of the tree

protect the front from erosion and provide shade and

I/We do solemnly declare and affirm,

in the front yard instead of the required rear yard.

difficult and very expensive.

FILING

FOR

CEIVED

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

BALTIMORE COUNTY ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

dr. & Mrs. Dennis Fisher

Dear Mr. & Mrs. Fisher:

May 23, 1984

RE: Item No. 260 - Case No. 84-330-A

Variance Petition

Petitioner - Dennis Fisher, et ux

COUNTY OFFICE BLDG. III W. Chesapeake Ave. Towson, Maryland 21204

6708 River Drive Road Baltimore, Maryland 21219 Nicholas B. Commodari Chairman

MEMBERS

Bureau of

Fire Prevention Health Department Project Planning

Building Department Board of Education

Zoning Administration

Industrial

The Zoning Plans Advisory Committee has reviewed the clans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of your proposal to legalize the location of the partially constructed garage, which is located in the front yard, this hearing is required. It should be noted that another accessory structure is located along River Drive Road to the northwest of the subject property.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Hickories B. Connadure; NICHOLAS B. COMMODARI Chairman

Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Arnold Jablon, Zoning Commissioner TO Office of Planning and Zoning

Ian J. Forrest SURJECT Zoning Variance Items

IJF/fth

Meeting - April 17, 1984

: BEFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY

RE: PETITION FOR VARIANCE

15th District

(6708 River Drive Rd.),

NE/S River Drive Rd., 110' NW of Centerline of Green Kill Rd.:

DENNIS FISHER, et ux, Petitioners Case No. 84-330-A

::::::

ENTRY OF APPEARANCE

above-captioned matter. Notices should be sent of any hearing dates

are re-evaluated annually by the County Council.

PROPERTY OF THE PROPERTY OF TH

)Additional comments:

cc: James Hoskell

or other proceedings in this matter and of the passage of any preliminary

Please enter the appearance of the People's Counsel in the

The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health hazards at this time regarding these items.

> Item (#260) - Dennis Fisher, et ux Item #262 - Arthur B. Singley, III, et ux Item #266 - William R. DeSandro, et ux

Item #267 - Joseph D. Deigert, et al Item #268 - Robert N. Loman, et ux Item #269 - Lutie G. Ports

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON MARYLAND 21204-2586

PAUL H RÉINCKE

May 3, 1984

Mr. William Hammond Coming Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

NBC:bsc

Enclosures

Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

RE: Property Owner: Dennis Fisher, et ux

Location: NE/S River Drive 110' N/W from c/1 Green Hill Road Zoning Agenda: Meeting of 4/17/84 Item No.: 260

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 *Life Safety Code*, 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Of Joseph Kell, 5/3/44 Approved: Heb-gt M Neigands
Flanding Group Fire Prevention Bureau Special Inspection Division

NGV 14 B64

DALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204 April 23, 1984 TED ZALESKI, JR. Mr. Arnold Jablon, Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204 Comments on Item # 260 Zoning Advisory Committee Meeting are as follows: Dennis Fisher, et ux NE/S River Drive 110' N/W from c/1 Green Hill Road Proposed Zoning: Variance to permit an accessory structure (garage) to be located in the front yard in lieu of the required rear yard. Acres: 50'8" x 129/137 District: The items checked below are applicable: miscellaneous

(B.) A building/ & other / permit shall be required before beginning construction. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data. D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application. E. An exterior wall eracted within 6'O for Commercial uses or 3'O for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'O of lot lines. A firewall is required if construction is on the lot line, see Table 401, line 2, Section 1407 and Table 1402, also Section 503.2. F. Requested variance appears to conflict with the Baltimore County Building Code G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401. Comments - Finish floor of all new structures shall be one foot higher than the 100 year storm tide elevation established by the Department of Public Works. See Council Bill 4-82 - Section 519.0. Elevations are not shown on plans for grades or floor levels. NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as 'e full extent of any permit. If desired, additional information may be obtated by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE Arnold Jablon Date May 10, 1984 TO Zoning Commissioner Norman E. Gerber, Director FROM Office of Planning and Zoning SUBJECT 84-329-SPH, 84-330-A, 84-331-A, 84-332-A and 84-333-A There are no comprehensive planning factors requiring comment

on these petitions.

NEG/JGH/sf

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SPECIAL NOTE FOR CONSTRUCTION IN TIDAL OR RIVERINE AREAS BILL 4-82 BALTIMORE COUNTY BUILDING CODE 1981

EFFECTIVE MARCH 25, 1982

A section added to read as follows: SECTION 519.0 CONSTRUCTION IN AREAS SUBJECT HAZARL TO FLOODING

519.1 AREAS SUBJECT TO INUNDATION BY TIDEWATERS:

1. Whenever building or additions are constructed in areas subject to inundation by tidewaters, the building's lowest floor (including basement) shall be not lower than one (1) foot above the 100 year flood elevation, as established by the U.S. Army Corps of Engineers or the Federal flood Insurance study, whichever is more restrictive. These buildings or additions shall be designed and adequately anchored to prevent floation, collapse, or lateral movement of the structure with

materials resistant to flood damage. 2. Crawl space under building constructed in the Tidal Plain, as determined by the U.S. Army Corps of La neers or the Federal Flood Insurance study, whichever is the more restrictive, shall be constructed so that water will pass through without resulting debris causing damage to the improvements of any property.

3. New or replacement utility systems, including but not limited to water supply, sanitary sewage, electric, gas and oil, must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require onsite waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

519.2 RIVERINE AREAS SUBJECT TO INUNDATION BY SURFACE WATERS WITHIN THE 100 YEAR FLOOD PLAIN.

1. No structures or additions shall be constructed within the 100 year flood plain of any watercourse. The 100 year flood plain shall be based upon the Federal Flood Insurance study or the Department of Public Works, whichever is the more restrictive; this determination shall include planned future development of the watershed

2. Reconstruction of residential dwelling units shall be governed by Sections 106.0 or 123.0 as applicable, except that rebuilding of residential dwelling units damaged in excess of 50 percent of physical value shall also be governed by the provisions of Subsection 519.1 of this section.

3. Reconstruction of other than residential buildings or structures in the riverine areas shall be made to conform to 519.1 when damage exceeds 50 percent of physical value.

Form 02-82

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

10 Arlene January Date_May_2,_1984_____

FROM Jun Thompson Variance Hearing-5/28/84 SUBJECT 6708 River Drive Road

Please note that an active case currently exists in the Enforcement

Upon issuance of notification of the hearing date, Ms. Olga Martinez, 6704 River Drive Road, Baltimore, Maryland 21219, should be notified by letter. She is listed as the complainant in Case No. C-84-444.

IN RE: PETITION ZONING VARIANCE BEFORE THE NE/S of River Drive Road, 110' NW of the centerline of Green * ZONING COMMISSIONER Hill Road (6708 River Drive Road) - 15th Election District * OF BALTIMORE COUNTY Dennis Fisher, et ux, Case No. 84-330-A

as more fully described on Petitioners' Exhibit 3.

10,8

Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory building (garage) to be constructed in the front yard instead of the required rear yard,

The Petitioners appeared and testified. Appearing and testifying as Protestants were Olga Martinez and Elsie Perzinski, adjoining property owners, as well as their husbands and Howard Hall, another neighbor.

The Petitioners have owned the waterfront property for approximately five years. In November, 1983, they applied at the County satellite office in Essex for a building permit to construct a garage on their property, zoned D.R.5.5. At that time, they were told that their front yard faced the water and that / their rear yard faced River Drive Road. The garage was to be constructed in they were advised was the rear yard. Four months later, after completing 75% of the garage, the Petitioners learned that the permit was issued in rroginasmuch as the front yard faced River Drive Road and not the water. They werd divised that they would need a variance.

he Petitioners noted that within five homes of their property, two have garass on River Drive Road and one has a garage on the water. They also pointed dut that along River Drive Road, a long, winding roadway, there are 99 homes on the water, 50 of which have garages on the road side. Four other homes have garages on the water side.

May 2, 19

Mr. & Mrs. Dennis Fisher 6708 River Drive Road Baltimore, Maryland 21219

> NOTICE OF HEARING Re: Petition for Variance NE/S River Drive Road, 110' NW of the c/l of Green Hill Road (6708 River Drive Road) Dennis Fisher, et ux - Petitioners Case No. 84-330-A

TIME: 1:30 P.M. DATE: Monday, May 28, 1984 PLACE: Room 106, County Office Building, 111 West Chesapeake

Avenue, Towson, Maryland

cc: Ms. Olga Martinez 6704 River Drive Road Baltimore, Maryland 21219

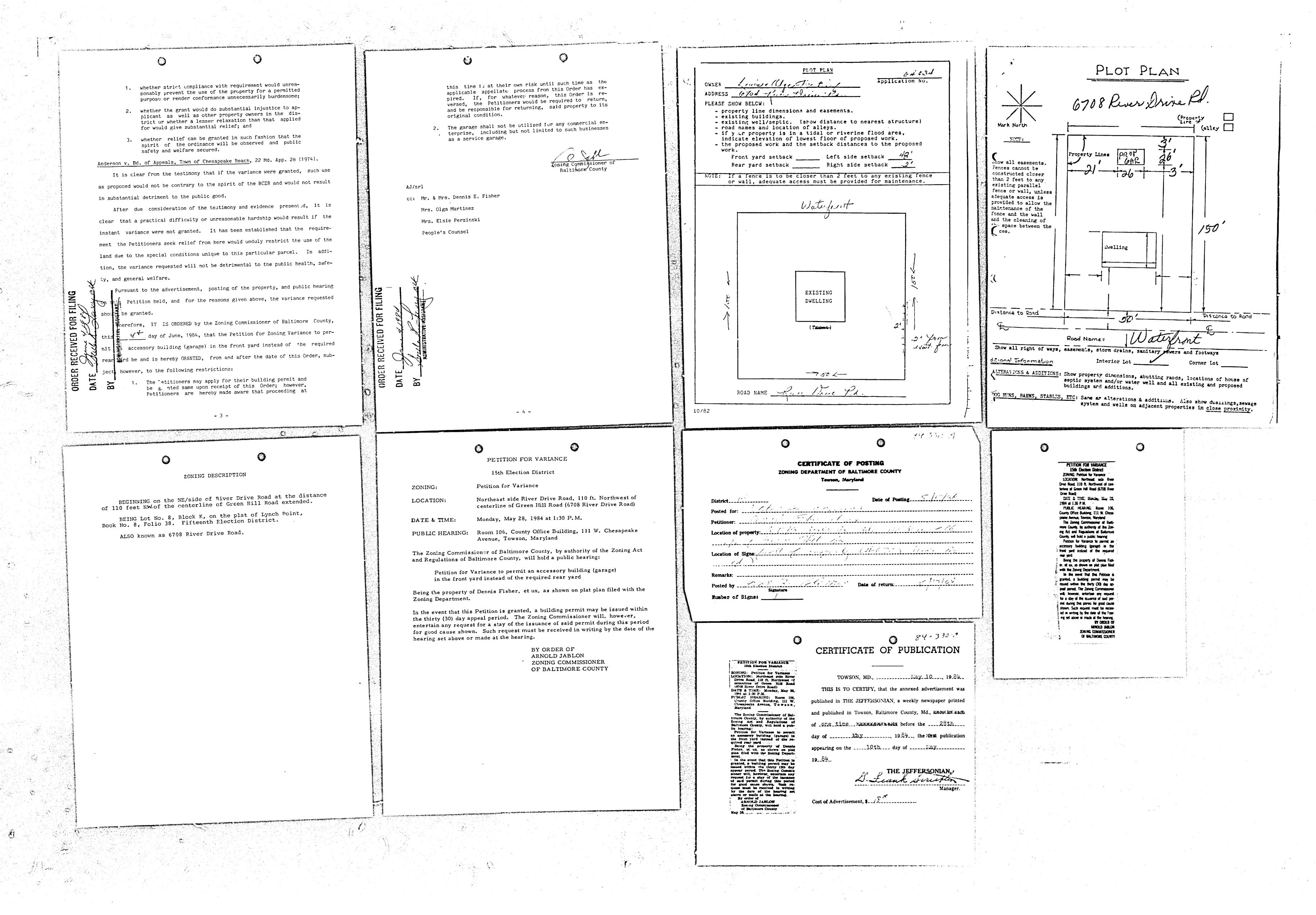
> Zoning Compassioner of Baltimore County

The Protestants complained that the 26'8" x 26' garage will cause property values to depreciate. They testified that the garage will most definitely interfere with and impinge upon the quiet enjoyment of their homes and that the Martinez home will be blocked from view. The Protestants pointed out that this is a very old neighborhood and that the nearby garages are nonconforming and much smaller. They allege that the Petitioners' garage would adversely affect the health, safety, and welfare of the community.

Although there is no zoning ordinance which dictates the front of a home on the water, long-standing policy and custom in Baltimore County has been that the front is determined by use, i.e., in which direction the houses front, the usual configuration in the neighborhood, and what the rarticular home owner considers to be the front. Although none of these individually control, all must be considered. Burkhardt v. Balto. Co., Circuit Court for Balto. Co., Misc. 5981-76; In Re: Fence, Bd. of Appeals for Balto. Co., CBA 80-127 (1981). In the instant case, the totality of the testimony presented confirms that the front of the Petitioners' home faces the road.

The subject property is 50'8" x 129". The Fatitioners could not construct a garage in the rear yard because there is not enough room to traverse on either of the home, i.e., nine feet ten inches on one sid, and seven feet on the other side. They were constructing the garage in its present location because narrowness of the lot and the lack of room anywhere else on the property. The Petitioners seek relief from Section 400.1, pursuant to Section 307. of the Baltimore County Zoning Regulations (BCZR).

area variance may be granted where strict application of the zoning regilation to the petitioner and his property would cause practical difficulty. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:



BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Your petition has been received and accepted for filing this 1 7th day of April , 1984. Petitioner's
Attorney

Petitioner's
Advisory Committee

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